



Federal Communications Commission  
Washington, D.C. 20554  
March 18, 2013

**DA 13-453**  
**Released: March 18, 2013**

***In Reply Refer to:***  
1800B3-TSN

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Enid Public Radio Association  
114 East Broadway  
Suite 1312  
Enid, Oklahoma 73701

**In re: KEIF-LP, Enid, Oklahoma**  
Enid Public Radio Association  
Facility ID No. 124554

File No. BRL-20050131AAR  
Application for Renewal of License

File No. BSTA-20101018AAW  
Notification of Modification of  
Facilities/Request for STA

File No. BRL-20130227AHT  
Application for Renewal of License

**Notification of License Expiration and  
Deletion of Call Letters**

Dear Licensee:

In this Order, we rescind the conditional grant of renewal of the license of Enid Public Radio Association (“Licensee”) for low-power FM radio station KEIF-LP, Enid, Oklahoma (“Station”), based upon Licensee’s failure to comply with the conditions of its license renewal set forth in the Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture released July 13, 2010.<sup>1</sup>

**Background.** In the KEIF Renewal Order, the Media Bureau (“Bureau”) issued a Notice of Apparent Liability for Forfeiture (“NAL”) in the amount of ten thousand dollars (\$10,000) to Licensee for willfully violating Sections 73.503(d) and 73.811 of the Rules,<sup>2</sup> as well as Section 399B of the

<sup>1</sup> *Enid Public Radio Association*, Memorandum Opinion and Order and Notice of Apparent Liability for Forfeiture, 25 FCC Rcd 9138 (MB 2010) (“KEIF Renewal Order”). The Station’s license renewal application was conditionally granted for a period of six years from expiration of Station’s prior license. 25 FCC Rcd at 9145-46.

<sup>2</sup> 47 C.F.R. §§ 73.503(d), 73.811.

Communications Act.<sup>3</sup> As noted in the KEIF Renewal Order, Chisholm Trail Broadcasting Co. (“Chisholm Trail”), in its petition to deny Licensee’s renewal application,<sup>4</sup> demonstrated that Licensee was operating with an antenna higher than authorized, and further that Licensee was willfully and repeatedly broadcasting unauthorized commercial announcements, in violation of the Commission’s enhanced underwriting rules.<sup>5</sup> A copy of the KEIF Renewal Order was sent to Licensee on or about July 13, 2010, by Certified Mail, Return Receipt Requested. The Return Receipt was signed by Carol Clark on July 23, 2010. Licensee filed no response to the KEIF Renewal Order.

The KEIF Renewal Order also granted Licensee’s application for renewal of the Station license, for a period of six years from June 1, 2005. However, the renewal was conditioned on Licensee’s filing, within 90 days of the date of the KEIF Renewal Order, a report demonstrating that the Station antenna had been lowered to its authorized height of 33 meters above average terrain. The KEIF Renewal Order also directed the Licensee to submit operating logs indicating that the Station is otherwise operating in compliance with its authorization and all applicable Commission technical rules. Grant of license renewal was further conditioned on Licensee’s filing with the Media Bureau, Audio Division, 180 days from the date of the KEIF Renewal Order, and every 180 days thereafter until grant of the Station’s next license renewal, a report containing (a) a list of all program underwriters and other persons or entities whose donations, payments, or contributions have been acknowledged on-air during the 180-day period of the report; (b) a list of the times and dates of all on-air announcements acknowledging donations, program underwriting, or other receipts of goods, services, or other consideration by Licensee; (c) the text of all on-air announcements listed in response to item (b); and (d) operating logs indicating that the Station has been operating at all times in compliance with its authorization and all applicable Commission technical rules.<sup>6</sup>

To date, Licensee has submitted none of the reports upon the filing of which grant of renewal of the Station license was conditioned.<sup>7</sup> On October 18, 2010, Licensee requested Special Temporary Authorization (“STA”) to operate with temporary antenna facilities following a lightning strike to its existing facilities.<sup>8</sup> As part of the request for STA, Licensee acknowledged that the KEIF Renewal Order directed it to “lower [its] antenna to 33 meters to be in compliance with the license.” After detailing difficulties with complying with its license at the authorized coordinates, Licensee stated that it found an apparently suitable tower, but its current facilities were damaged before it could prepare to move to the new site. The STA that was granted to Licensee on October 19, 2010, was for a temporary antenna on the new tower Licensee identified, at reduced power.<sup>9</sup> Licensee stated in its October 18, 2010, STA request that it “will follow with a construction permit (sic) to permanently be licensed at this new location.” Although STA for the Station expired on April 19, 2011, Licensee never filed an application for

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<sup>3</sup> 47 U.S.C. § 399B.

<sup>4</sup> File No. BRL-20050131AAR.

<sup>5</sup> See KEIF Renewal Order, 25 FCC Rcd at 9139.

<sup>6</sup> *Id.* at 9145-46.

<sup>7</sup> On April 8, 2011, the Media Bureau released a Forfeiture Order, noting that Licensee had not responded to the KEIF Renewal Order, and therefore ordering a forfeiture in the full amount of \$10,000. *Enid Public Radio Association*, Forfeiture Order, 26 FCC Rcd 5205 (MB 2011).

<sup>8</sup> File No. BSTA-20101018AAW.

<sup>9</sup> *Norman S. Clark*, Letter (MB Oct. 19, 2010).

modification to its licensed facilities, nor did it request further STA. On February 27, 2013, Licensee filed an application for renewal of its license,<sup>10</sup> which was to have been filed no later than June 1, 2011.

**Discussion.** Licensee, as indicated above, has failed to file any reports with the Bureau, and the renewal of the Station license was expressly conditioned upon the timely filing of the specified reports. We are not aware of any reason for Licensee's failure to comply with the reporting conditions attached to the Station license renewal. Further, Licensee failed either to request extension of STA to operate with reduced facilities, or to apply for modification of its license to operate with new facilities. Finally, Licensee failed timely to file an application for renewal of its conditionally renewed license by June 1, 2011. For these reasons, and based on the information before us, we hereby rescind the conditional grant of renewal of the Station license set forth in the KEIF Renewal Order.<sup>11</sup>

**Conclusion.** Accordingly, IT IS ORDERED, pursuant to Sections 301 and 309(k) of the Communications Act of 1934, as amended, and Section 0.283 of the Commission's Rules,<sup>12</sup> that the conditional grant of renewal of the license of station KEIF-LP, Enid, Oklahoma, IS HEREBY RESCINDED. The Commission's public and internal databases will be modified to indicate that the broadcast license for the referenced station<sup>13</sup> EXPIRED as a matter of law, at 12:01 a.m. on June 1, 2011, and WE HEREBY DELETE the Station's call sign KEIF-LP. Additionally, WE HEREBY DISMISS as moot the Station's pending application for Renewal of License.<sup>14</sup>

Finally, we note that it is imperative to the safety of air navigation that any prescribed painting and illumination of the station's tower be maintained until the tower is dismantled. Accordingly, the owner of the tower where the referenced station's transmitting antenna is located is required, pursuant to Section 303(q) of the Act, to maintain the tower in the manner prescribed by our rules and the terms of the cancelled license.<sup>15</sup>

Sincerely,

Peter H. Doyle  
Chief, Audio Division  
Media Bureau

cc: Andrew S. Kersting, Esq.  
(Counsel for Chisholm Trail Broadcasting Co.)

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<sup>10</sup> File No. BRL-20130227AHT.

<sup>11</sup> See *Glendale Electronics, Inc.*, Memorandum Opinion and Order, 19 FCC Rcd 2540, 2544 (2004) (“[A] license that cancels for failure to satisfy a license condition is not revoked and does not trigger a hearing requirement.”).

<sup>12</sup> 47 U.S.C. §§ 301, 309(k); 47 C.F.R. § 0.283.

<sup>13</sup> BLL-20021114ABH, as most recently renewed by BRL-20050131AAR.

<sup>14</sup> File No. BRL-20130227AHT.

<sup>15</sup> See 47 U.S.C. §303(q). See also 47 C.F.R. §§ 17.1 *et seq.* and 73.1213; *Streamlining the Commission's Antenna Structure Clearance Procedure*, WT Docket No. 95-5, 11 FCC Rcd 4272 (1995).